

REMARKS

Status of Claims

Claims 1-6 and 9 are pending. Claims 7, 8 and 10-20 are cancelled.

35 U.S.C. §112, 2nd

Office rejected claims 1-9 as being indefinite with regard to the phrase “single parallel gated level” in claim 1. Applicant in traverse refers the Office to Figs. 5 and 6, and paragraphs 0043-0046, wherein the claimed term is illustrated and explained.

35 U.S.C. §102

Office rejected claims 1-9 as being anticipated by Dasgupta et al. The Office stated further in that regard that the recitation “carry/majority circuit” to not have been given patentable weight because the recitation occurred in the preamble. Applicant has herein amended claim 1 to make the phrase an element of the claim, thus requiring it be given patentable weight. Applicant in traverse of the rejection remarks further as follows.

“Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” W.L. Gore & Associates v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983) (citing Soundsciber Corp. v. United States, 360 F.2d 954, 960, 148 USPQ 298, 301 (Ct. Cl.), adopted, 149 USPQ applicants’ claims, the reference cited by the Examiner must disclose each element recited therein. “There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.” Scripps Clinic & Research Foundation v. Genentech, Inc., 927 F.2d 1565, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991).

To overcome the anticipation rejection, the Applicant needs to only demonstrate that not all elements of a prima facie case of anticipation have been met, i.e., show that the prior art reference cited by the Examiner fails to disclose every element in each of the applicants' claims. "If the examination at the initial state does not produce a prima facie case of unpatentability, then without more the applicant is entitled to grant of the patent." In re Oetiker, 977 F.2d 1443, 24 USPQ 2d 1443, 1444 (Fed. Cir. 1992).

Applicant has herein amended claim 1 to incorporate the limitation of its being a carry/majority circuit as is fully described and supported by the specification, and added the buffer circuit of claim 7 and the clock of claim 8, all as is supported by Figs. 3 and 5, and paragraphs 0041-0045. Dasgupta discloses an analog amplifier, whereas the instant claims are directed to digital arithmetic processing, and more particularly to a carry/majority circuit coupled to a buffer circuit and clock. Applicant respectfully asserts this clear distinction to overcome the rejection as to Dasgupta et al. and respectfully requests reconsideration.

Office rejected claims 1-9 as being anticipated by Kuriyama. The phrase "carry/majority circuit" was not given patentable weight. Applicant in traverse incorporates its comments above and remarks further as follows. As noted above, claim 1 is herein amended to make the phrase "carry/majority circuit" an element of the claim, thus requiring it be considered in the analysis. The buffer circuit and clock of claims 7 and 8 have been added to claim 1. Kuriyama is using a latched frequency divider with some keep-alive circuitry added to the latch, but he is using his circuitry only for clock generation, not for any sort of arithmetic or data processing. Applicant respectfully asserts this to overcome the rejection as to Kuriyama.

Office rejected claims 1-9 as being anticipated by Reinschmidt. Applicant in traverse incorporates its comments above and remarks further as follows. As noted above, claim 1 is herein amended to make the phrase "carry/majority circuit" an element of the claim, thus requiring it be considered in the analysis. The buffer circuit and clock of claims 7 and 8 have been added to claim 1. There is no evidence that Reinschmidt uses a buffer coupled to a clock. Applicant respectfully asserts this to overcome the rejection as to Reinschmidt.

Applicant believes the above amendments and remarks to be fully responsive to the Office Action, thereby placing this application in condition for allowance. No new matter is added. Applicant requests speedy reconsideration, and further requests that Examiner contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted,

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